



PATENT  
Customer No. 22,852  
Attorney Docket No. 08702.0068-01000

IFW

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:	)	
	)	
ZHANG et al.	)	Group Art Unit: 1615
	)	
Application No.: 10/779,638	)	Parent Examiner: H. Robinson
	)	
Filed: February 18, 2004	)	
	)	Confirmation No.: 9082
For: METHODS AND COMPOSITIONS	)	
FOR HEALING AND REPAIR OF	)	
ARTICULAR CARTILAGE	)	
	)	

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicants bring to the attention of the Examiner the documents listed on the attached PTO 1449. This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits for the above-referenced application.

Copies of the listed documents, including any copending patent applications, are attached.

Applicants respectfully request that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the

documents as prior art against any claim in the application and Applicants determine that the cited documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the Office the relevant facts and law regarding the appropriate status of such documents.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to Deposit Account No. 06-0916.

Respectfully submitted,

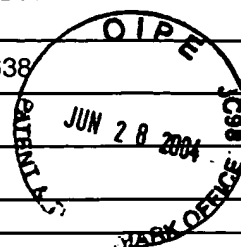
FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: 6/28/04

By: Elizabeth E. McNamee  
Elizabeth E. McNamee  
Reg. No. 54,696

## INFORMATION DISCLOSURE CITATION

Atty. Docket No.	08702.0068-01000	Appln. No.	10/779,638
Applicant	ZHANG et al.		
Filing Date	February 18, 2004	Group:	1615



## U.S. PATENT DOCUMENTS

Examiner Initial*	Document Number	Issue Date	Name	Class	Sub Class	Filing Date If Appropriate
	4,642,120	02/10/1987	Nevo et al.	623	16	
	5,658,882	08/19/1997	Celeste et al.	514	12	
	5,700,774	12/23/1997	Hattersley et al.	514	2	
	5,750,651	05/12/1998	Oppermann et al.	530	350	
	5,786,217	07/28/1998	Tubo et al.	435	402	
	5,972,368	10/26/1996	MacKay	424	423	
	6,001,352	12/14/1999	Boyan et al.	424	93.7	
	6,586,388	07/01/2003	Oppermann et al.	514	2	

## FOREIGN PATENT DOCUMENTS

Document Number	Publication Date	Country	Class	Sub Class	Translation Yes or No
WO 94/01557	01/20/1994	PCT	C12N	15/12	
WO 96/39170	12/26/1996	PCT	A61K	38/18	
WO 98/31788	07/23/1998	PCT	C12N	5/08	

## OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

Klein-Nulend et al., "Stimulation of Cartilage Differentiation by Osteogenic Protein-1 in Cultures of Human Perichondrium," <i>Tissue Engineering</i> 4(3):305-313 (1998)
Reddi, A. et al., "Bone Morphogenetic Proteins. Potential Role In Osteoporosis," <i>Osteoporosis, Academic Press Ch. 9</i> :281-287 (1996)
Takagi, et al., "The Role of Bone Marrow in Bone Morphogenetic Protein-Induced Repair of Femoral Massive Diaphyseal Defects," <i>Clinical Orthopaedics and Related Research</i> 171:224-231 (1982)
Wang, "Bone morphogenetic proteins (BMP): therapeutic potential in healing bony defects," <i>Trends in Biotechnology</i> 11:379-383 (1993)

Examiner

Date Considered

\*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Form PTO 1449

Patent and Trademark Office - U.S. Department of Commerce